

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JAMES MONTE STOGSDILL,

11 Petitioner,

12 v.

13 ROBERT HERZOG,

14 Respondent.

CASE NO. C12-5195 RJB-JRC

ORDER DIRECTING SERVICE  
AND RETURN, §2254 PETITION

15 Petitioner has changed the caption of this case to reflect Robert Herzog as the respondent  
16 (ECF No. 7).

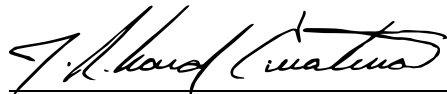
17 (1) The clerk shall arrange for service by certified mail upon respondent and the  
18 Attorney General for the State of Washington, copies of the petition, all documents in support  
19 thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble  
20 the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of  
this Order, along with a copy of the Court's General Order regarding pro se litigation.

21 (2) Within forty-five (45) days after such service, respondent(s) shall file and serve  
22 an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States  
23 District Courts. As part of such answer, respondent(s) should state whether petitioner has  
24 exhausted available state remedies, whether an evidentiary hearing is necessary, and whether

1 there is any issue of abuse or delay under Rule 9. Respondent(s) shall file the answer with the  
2 Clerk of the Court and serve a copy of the answer upon petitioner.

3 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
4 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday  
5 after the answer is filed, petitioner may file and serve a response not later than on the Monday  
6 immediately preceding the Friday appointed for consideration of the matter, and respondent may  
7 file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
8 designated for consideration of the matter.

9 DATED this 8th day of May, 2012.

10 

11 J. Richard Creatura  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24